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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,771	12/16/2003	Akihisa Hongo	2003_1822A	4044
513 7590 08/06/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
MACARTHUR, SYLVIA				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10735771	12/16/03	HONGO ET AL.	2003_1822A

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Sylvia R. MacArthur

ART UNIT	PAPER
1792	20080804

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Commissioner for Patents

The reply filed 4/30/2008 is not fully responsive to the prior office action because of the following omission(s) or matter(s): Newly amended claims 34 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly amended claim is according to a different embodiment of the present invention namely that illustrated in Figures 10-12 whereas the original claims read upon Figs. 1-4.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34, 38, 40, 41, and 54-56 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142 (b) and MPEP 821.03.

See 37CFR 1.111. Since the above-mentioned reply appears to be bona-fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Furthermore, it is unclear from claim 34 whether the power source and/or voltage are located between the anodes and cathodes. Also whether the ultrasonic transducer is between the substrate and anodes and cathodes or arranged next to the anodes and cathodes, see the different description of locations in the latter portion of claim 34. In order to expedite prosecution, applicant is invited to amend claims.

August 4, 2008

/Sylvia R MacArthur/
Primary Examiner, Art Unit 1792